

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA \*  
\*  
vs. \* CRIMINAL ACTION  
\* No. 13-10048-FDS-1  
KING BELIN \*  
\*  
\* \* \* \* \*

BEFORE THE HONORABLE F. DENNIS SAYLOR, IV  
UNITED STATES DISTRICT JUDGE  
**COMPETENCY HEARING**

## A P P E A R A N C E S

UNITED STATES ATTORNEY'S OFFICE  
1 Courthouse Way, Suite 9200  
Boston, Massachusetts 02210  
for the United States  
By: John A. Wortmann, Jr., AUSA

LAW OFFICE OF PAUL J. GARRITY  
14 Londonderry Road  
Londonderry, New Hampshire 03053  
for the defendant  
By: Paul J. Garrity, Esq.

Courtroom No. 2  
John J. Moakley Courthouse  
1 Courthouse Way  
Boston, Massachusetts 02210  
October 3, 2014  
11:30 a.m.

CAROL LYNN SCOTT, CSR, RMR  
Official Court Reporter  
One Courthouse Way, Suite 7204  
Boston, Massachusetts 02210  
(617) 330-1377

## P R O C E E D I N G S

**THE CLERK:** Criminal matter No. 13-10048, the  
*United States versus King Belin.*

Court is in session. You may be seated.

13 Do I have that right, Mr. Wortmann or Mr. Garrity?

**MR. GARRITY:** Yes, Your Honor.

Do you solemnly swear that the testimony you're

1 about to give to this Court shall be the truth, the whole  
2 truth and nothing but the truth, so help you God?

3                   **THE DEFENDANT:** Yes.

4                   **THE CLERK:** You may be seated.

5                   **THE COURT:** All right. Mr. Belin, as I think  
6 you know, I ordered you to undergo an examination to  
7 determine whether you were mentally competent to stand  
8 trial, a psychological examination.

9                   There is two parts of that. You have to be able to  
10 understand the nature and consequences of the proceeding  
11 against you. In other words, what kind of charges are you  
12 facing and what happens to you if you are convicted.

13                  And you have to be able to assist properly in your  
14 defense, to work with your counsel to help him defend you.

15                  Based on my order we had you evaluated and I  
16 received a written report, I think I received it on  
17 September 10th, from Dr. Tillbrook who was the psychologist.  
18 And he concluded that you were, in fact, mentally competent  
19 to stand trial. Specifically he concluded that you did not  
20 have a substantial mental illness or defect that would  
21 significantly compromise your understanding and appreciation  
22 of the trial process.

23                  And he also concluded that you did not exhibit  
24 substantial impairment in your ability to participate  
25 meaningfully in a discussion of legal proceedings and that,

1 therefore, he thought you could participate rationally with  
2 your attorney in the preparation and implementation of your  
3 defense.

4 I gave a copy of that report to your lawyer  
5 Mr. Garrity. The government lawyer, the prosecutor, has not  
6 seen the report. Let me stop there.

7 Do you understand what I have been telling you so  
8 far?

9 **THE DEFENDANT:** Yes.

10 **THE COURT:** And do you have any questions for  
11 me about it?

12 **THE DEFENDANT:** No.

13 **THE COURT:** All right. You are entitled under  
14 the law to a hearing to determine whether you are mentally  
15 competent. If we had a hearing Dr. Tillbrook would probably  
16 testify. The prosecutor would be given a copy of his  
17 report. Dr. Tillbrook would be examined and give his  
18 opinion. You would have the right to have your lawyer  
19 cross-examine Dr. Tillbrook. You might testify if you chose  
20 to do so or you could put on additional evidence if you  
21 wanted to do that.

22 What has been proposed is that instead of having  
23 that hearing you would agree or "stipulate," which is the  
24 word we use in court, that you are mentally competent to  
25 stand trial; and that you would agree or stipulate that I

1 could find that you were competent just based on  
2 Dr. Tillbrook's report without having to bring him in here  
3 and examine him.

4 But it has also been proposed that if we do that,  
5 the government would not get a copy of that report.

6 Do you understand -- again, let me stop.

7 Do you understand what I have told you so far?

8 **THE DEFENDANT:** Yeah.

9 **THE COURT:** Do you have any questions for me?

10 **THE DEFENDANT:** No.

11 **THE COURT:** And do you agree with that  
12 proposal, in other words, that you will agree that you're  
13 mentally competent to stand trial; that you're able to  
14 understand the nature and consequences of the proceeding  
15 against you, and you're able to assist your lawyer in  
16 preparing your defense, so we don't have to have a hearing  
17 and the government will not be given a copy of  
18 Dr. Tillbrook's report? Do you agree with that?

19 **THE DEFENDANT:** Yes.

20 **THE COURT:** All right. And do you have any  
21 questions for me about what we are doing here or why?

22 **THE DEFENDANT:** No.

23 **THE COURT:** And you feel you understand it?

24 **THE DEFENDANT:** Yes.

25 **THE COURT:** All right. Let me ask

1       Mr. Garrity. Mr. Garrity, is there any reason you are aware  
2       of that I should question, whether we should proceed this  
3       way or whether Mr. Belin is mentally capable of standing  
4       trial in this case?

5                   **MR. GARRITY:** Your Honor, currently I have no  
6       concerns about Mr. Belin's competency and proceeding this  
7       way. As we discussed yesterday, I think it is the agreeable  
8       way to go forward. I discussed it all with Mr. Belin and,  
9       as he just told you, he is in agreement with it.

10                  **THE COURT:** All right. All right. I,  
11       therefore, find that the defendant King Belin is mentally  
12       competent, that he is not suffering from a mental disease or  
13       defect rendering him incompetent to the extent that he is  
14       unable to understand the nature and consequences of the  
15       proceeding against him or to assist properly in his defense.

16                  Mr. Wortmann, part of this proposal involves the  
17       government agreeing that it would not obtain a copy of  
18       Dr. Tillbrook's report. The government is entitled under  
19       Section 4247(c) to a copy that report. On behalf of the  
20       government do you waive its right to receive that?

21                  **MR. WORTMANN:** Your Honor, I do waive the  
22       right to receive it. In the event that a mental -- in the  
23       event that a mental health, that we get to sentencing and a  
24       mental health issue was raised, I would reserve the right to  
25       request the Court to provide me with a copy of the report at

1 that time.

2                   **THE COURT:** Yes, of course. And if the  
3 situation changes or we get new evidence, obviously we will  
4 revisit all of these issues.

5                   **MR. WORTMANN:** Of course, thank you.

6                   **THE COURT:** All right. Do we need to do  
7 anything else with regard to mental competency at this time?  
8 Mr. Wortmann?

9                   **MR. WORTMANN:** I don't believe so, Your Honor,  
10 thank you.

11                  **THE COURT:** Mr. Garrity?

12                  **MR. GARRITY:** I don't think so, Judge.

13                  **THE COURT:** All right. And I think I set it  
14 for a conference, is that right, when we met yesterday, and  
15 we will exclude the time until that conference? We are  
16 meeting in about 30 days. Mr. Garrity, you said you wanted  
17 some more time to --

18                  **MR. GARRITY:** If I could, I know we set it for  
19 a trial date but I'm --

20                  **THE CLERK:** January 5 for trial.

21                  (Whereupon, the Court and the Clerk conferred.)

22                  **THE COURT:** All right. Let me put it down for  
23 a conference then. My memory is that Mr. Garrity wanted a  
24 chance to talk with Mr. Belin and talk about where we go  
25 from here.

1                   How quick do you think we can get that done and  
2 reconvene, Mr. Garrity?

3                   **MR. GARRITY:** Could I have October 31st in the  
4 morning?

5                   **THE COURT:** October 31st, okay. That's a  
6 Friday, sure. How about ten a.m.?

7                   **MR. GARRITY:** That would be fine.

8                   **THE COURT:** Mr. Wortmann, does that work for  
9 you?

10                  **MR. WORTMANN:** It does, thank you, Your Honor.

11                  **THE COURT:** All right. Friday, October 31st  
12 at ten a.m., further conference.

13                  **MR. GARRITY:** Thank you.

14                  **THE COURT:** Okay. Anything else?

15                  **MR. WORTMANN:** Thank you, Your Honor.

16                  **MR. GARRITY:** Thank you.

17                  **THE COURT:** Okay. Thank you.

18                  **THE CLERK:** Court is in recess.

19  
20                  (WHEREUPON, the proceedings were recessed at 11:40  
21 a.m.)

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C E R T I F I C A T E

I, Carol Lynn Scott, Official Court Reporter for the United States District Court for the District of Massachusetts, do hereby certify that the foregoing pages are a true and accurate transcription of my shorthand notes taken in the aforementioned matter to the best of my skill and ability.

/S/CAROL LYNN SCOTT

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DATE: February 7, 2016